



U. S. Department of Justice

*United States Attorney
Southern District of Alabama*

63 South Royal Street
Suite 600
Mobile, Alabama 36602

(334) 441-5845

CONFIDENTIAL
(Not for release outside DOJ)

September 25, 2002

Roger C. Adams, Esq.
Office of the Pardon Attorney
500 First Street, NW
Suite 400
Washington, D. C. 20530

Re: United States v. Clarence Aaron
Criminal No. 93-00008 (S. D. Ala.)

Dear Mr. Adams:

Our office prosecuted Clarence Aaron for drug trafficking. We are opposed to his request for clemency because nothing in the record or in the petition establishes that Aaron deserves consideration for clemency. Even upon a cursory examination of the petition, it is clear that some of his assertions are false and need to be corrected and other facts need to be included and considered.

Aaron was prosecuted twice in this district. His first trial ended in a mistrial. Aaron testified in his own defense in both trials. He denied criminal involvement. In fact, the court gave him a two point increase in his sentencing guideline computation for obstruction of justice based on the court's finding that his testimony was not worthy of the court's belief and the court's finding that Aaron perjured himself when he testified. Aaron was given ample opportunity to enter a guilty plea, with or without cooperation. His plea offer was not contingent on cooperation. Aaron would have received a reduction in his guideline range had he entered a guilty plea and would not have received the two point enhancement for obstruction of justice for testifying falsely at trial. Thus, Aaron could have avoided the sentence he received had he admitted his guilt.

Contrary to both Aaron's and his family's contentions, he never admitted his involvement at trial or sentencing, and continues to downplay his role in a large cocaine and crack cocaine conspiracy. To allege that he merely participated in a cocaine sale is disingenuous given the fact that the first cocaine sale was a \$200,000 sale for 9 kilograms of cocaine and the second one was a \$250,000 sale for 15 kilograms of cocaine.

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Aaron now attempts to explain that his conduct was a result of financial problems after his grandfather's death. No doubt there are numerous young people who lose grandparents during their college years and do not resort to selling cocaine to deal with their grief or to buy books as Aaron claims. Rather than set up major cocaine deals after the death of his grandfather, Aaron could have obtained legitimate employment.

Aaron claims that his attorney, Robert Clark, took him to view his co-defendant, Gary Chisholm, being interrogated at the local jail. He claims that he was able to view this by way of a two-way mirror. Chisholm was not interviewed, and neither Aaron nor his attorney would have had access to view Chisholm while Chisholm was in custody. Aaron's statements are therefore false.

The facts from the trial belie Aaron's claim that he occupied a minor role in the drug activity. Aaron set up the 9 kilogram cocaine deal; he traveled from Mobile to Houston with \$200,000 for the cocaine; he hired someone to transport the 9 kilograms; he delivered the 9 kilograms of cocaine to the purchaser in Mobile; he provided the scale to weigh the converted ounces of crack cocaine; he drove one of the co-conspirators around Mobile to sell one of the kilograms of crack cocaine; he then set up a 15 kilogram cocaine purchase; he transported \$250,000 from Mobile to Texas to purchase 15 kilograms of cocaine; he provided a co-conspirator one-half kilogram of cocaine which he participated in converting to crack cocaine and then sold. Aaron was an integral part of the cocaine transactions. He had a decision making, managerial role in the scheme. He was hardly the struggling college student he attempts to portray himself as today as he spent his time driving and flying to and from Texas for major cocaine transactions.

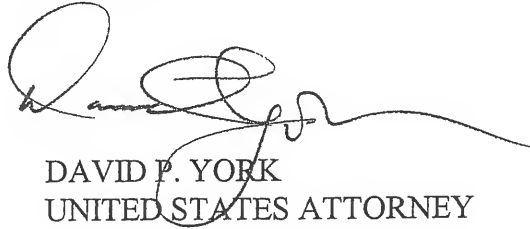
Aaron claims that he was convicted only of a non-violent drug conspiracy, which in spite of the guideline sentence found to be appropriate in his case, entitles him to lay claim to a request for clemency. The pre-sentence report accurately reflected the intended harm for his so-called "non-violent" behavior— **23 kilograms** of cocaine, nine of which were distributed as crack cocaine. Countless victims of crime would be entitled to hold Aaron responsible, from users who would overdose, to innocent property owners whose homes would be burglarized, to citizens who would be held up at gunpoint, all to support the habits of untold numbers of addicts. In reality, then, Aaron's crime is neither non-violent nor victimless.

Finally, in perhaps the most telling of Aaron's claims, he attributes his conviction to a "mistake" that he made. Aaron does not admit his own criminal conduct or the extent of his involvement, nor does he express contrition for what he did. All of these considerations show that Aaron does not deserve executive clemency.

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If you have any questions about this matter or if you require additional information, please contact me or Assistant United States Attorney, Senior Litigation Counsel, Deborah A. Griffin, who prosecuted this case for the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "David P. York", with a long horizontal flourish extending to the right.

DAVID P. YORK
UNITED STATES ATTORNEY